

Proceedings of the Arizona Game and Fish  
Commission License Revocation & Civil  
Assessment Hearings  
Friday, March 21, 2003 – 1:30 p.m.  
Best Western Innsuites, 6201 N. Oracle Rd.  
Tucson, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Carter  
Commissioner Sue Chilton  
Commissioner W. Hays Gilstrap  
Commissioner Joe Melton  
Commissioner Michael M. Golightly

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Asst. A.G. Jay Adkins  
Asst. A.G. Jim Odenkirk

12. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Leonard Ordway, Law Enforcement Branch Chief

Roll call was taken. Present at today's meeting were Wayne R. Maxwell, Arne Peterson and Alvin Peterson. Legal counsel represented Grady G. Smith, who was also present.

**Motion:** Gilstrap moved and Chilton seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Wayne Rinehart Maxwell

Maxwell was found guilty in Greenlee Justice Court of A) failing to tag immediately after kill (bull elk) and B) possessing a rifle while acting as a licensed guide. He was fined \$177 for Count A and \$177 for Count B.

Maxwell was present at today's hearing and stated that the elk would have died anyway since it had a broken antler and the area where the antler broke off was covered with maggots.

Mr. Ordway noted the Hunter Education requirement would not be part of the motion since only revocation of Maxwell's guide license was to be considered.

**Motion:** Gilstrap moved and Melton seconded THAT THE LICENSE AND LICENSE PRIVILEGES OF WAYNE R. MAXWELL TO GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Arne A. Peterson and Alvin A. Peterson

Arne was found guilty in Fredonia Justice Court of A) taking antlerless wildlife (deer) on antlered tag; B) possessing/transporting unlawfully taken wildlife (deer); C) taking over-limit of wildlife (deer) and D) transporting/possessing wildlife (deer) without tag attached. For Counts A through D, he was fined \$1,926, suspended \$1626 (net \$300); twelve (12) months probation and was required to attend a Hunter's Safety Course and report completion to the court by January 4, 2004.

Alvin was found guilty in Fredonia Justice Court of possessing/transporting unlawfully taken wildlife (deer). He was fined \$359, suspended \$259 (net \$100) and six (6) months probation.

Both were present at today's hearing. Arne Peterson stated he was sorry for not reporting right away and he would be more careful in the future. Alvin, his dad, was also sorry. Commissioner Golightly stated he knew the Peterson's. They usually hunt as a family group and were courteous to other hunters. He also stated he would recuse himself from voting.

**Motion:** Gilstrap moved and Melton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF ARNE A. PETERSON TO HUNT, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANOTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$667.95 FOR HIS PART IN THE LOSS OF ONE (1) MULE DEER FAWN. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Chilton, Gilstrap and Melton – Aye

Chair voted Aye

Golightly - Recused

**Motion:** Gilstrap moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF ALVIN A. PETERSON TO HUNT, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$667.95 FOR HIS PART IN THE LOSS OF ONE (1) MULE DEER FAWN. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Chilton, Gilstrap and Melton – Aye  
Chair voted Aye  
Golightly - Recused

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Herbert L. Cowper, Ron L. Cowper, Grady G. Smith and Leonard S. Heathcock

Herbert Cowper was found guilty in Seligman Justice Court of A) taking wildlife (antelope) without a license; B) possessing wildlife (antelope) unlawfully taken; C) taking wildlife (antelope) without a license; D) possessing wildlife (antelope) unlawfully taken; E) taking wildlife (antelope) without a license; F) possessing wildlife (antelope) unlawfully taken and G) taking wildlife (mule deer) without a license. He was fined 3 days in jail for each count (A through G).

Ron Cowper was charged with A) possessing/transporting unlawfully taken wildlife (antelope taken during closed season); B) purchasing wildlife unlawfully taken (7 ravens during closed season); C) possessing wildlife parts unlawfully taken (7 ravens taken during closed season) and D) failure to report on taxidermy records (4 antelope and 7 ravens). He was found guilty of Counts A and B; Counts C and D were dismissed per plea agreement in Tolleson Justice Court. For Count A, he was fined \$442.50, including surcharges; placed on summary probation for two (2) years and was required to complete 240 hours of community service (for the Arizona Game & Fish Department).

Smith was charged with A) buying big game unlawfully taken (buck antelope taken during closed season); B) possessing/transporting unlawfully taken wildlife (buck antelope taken during closed season); C) buying big game unlawfully taken (buck antelope taken during closed season); D) buying big game that was unlawfully taken (buck antelope taken during closed season) and E) possessing/transporting unlawfully taken wildlife (flicker, federal migratory bird). He was found guilty of Counts A, D and E in Tolleson Justice Court; Counts B and C were dismissed per plea agreement. To amended complaint “attempted” to buy big game taken during closed season, he was fined \$708, including surcharges, and placed on summary probation until fines are paid for Count A. To amended complaint “attempted” to possess/transport, he was fined \$442.50, including surcharges, and placed on summary probation until fines are paid for Count D. To amended complaint “attempted” to possess/transport unlawfully taken wildlife (flicker), he was fined \$177, including surcharges, and placed on summary probation until fines are paid for Count E.

Heathcock was found guilty in Seligman Justice Court of A) taking wildlife (antelope) without a license; B) possessing wildlife (antelope) unlawfully taken; C) possessing wildlife (antelope) unlawfully taken; D) taking wildlife (mule deer) without a license; E) taking wildlife (elk) without a license and F) possessing wildlife (elk) unlawfully taken. He was fined \$215 for each Count (A through F).

Smith was present at today’s hearing and was represented by Alex Harris, legal counsel. She noted there was not 100% accuracy in the reports related to Smith’s involvement. There was no offer to buy; there was a plea on buying. Smith’s teacher gave him the flicker when Smith started his taxidermy apprenticeship. There was no involvement on his part related to the elk.

Ms. Harris referenced ARS §17-105; a person who provides information or evidence shall not be prosecuted for an offense that he is called upon to give such testimony or evidence. Mr. Smith did provide evidence to the law enforcement officers, and she asked the Commission consider his immunity as providing evidence. She asked that rather than revoke his taxidermy license, the Commission should consider a short suspension. He was marginally involved. She noted he was not convicted of A, D and E; he pled to an amended count. He paid his fines; she requested there be no additional fines.

Mr. Odenkirk stated statute provides immunity to an individual who cooperates with the state in a case with regard to criminal prosecution and did not apply to administrative proceedings before the Commission.

**Motion:** Golightly moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF HERBERT L. COWPER TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$8,285.97 FOR THE LOSS OF FOUR (4) ANTELOPE BUCKS; ONE (1) ANTELOPE DOE; ONE (1) MULE DEER BUCK AND SEVEN (7) RAVENS; ALSO THE AMOUNT OF \$1,781.19 FOR MR. HERBERT L. COWPER'S PART IN THE LOSS OF ONE (1) ANTELOPE BUCK AND ONE (1) COW ELK.

**Vote:** Unanimous

**Motion:** Chilton moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF RON COWPER TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

**Motion:** Gilstrap moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF GRADY SMITH TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO YEARS; THAT THE LICENSE AND/OR LICENSE PRIVILEGE OF GRADY SMITH TO PRACTICE TAXIDERMY IN THE STATE OF ARIZONA BE WITHDRAWN; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE

REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Chilton, Melton and Gilstrap – Aye

Golightly – Nay

Chair voted Aye

Motion passed 4 to 1

**Motion:** Melton moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF LEONARD S. HEATHCOCK TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$1,781.19 FOR MR. HEATHCOCK'S PART IN THE LOSS OF ONE (1) ANTELOPE BUCK AND ONE (1) COW ELK. IT WAS FURTHER MOVED THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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